



Right to Public Service Act



The Right to Public Service Delivery in India

A Review of Six States

Arnab Bose



RAJIV GANDHI
INSTITUTE FOR CONTEMPORARY STUDIES

Concept and Review

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Research and Writing

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Foreword

The Rajiv Gandhi Institute for Contemporary Studies (RGICS) is an independent national policy think tank promoted by the Rajiv Gandhi Foundation. RGICS carries out research and policy development on contemporary challenges facing India. RGICS currently undertakes research studies on the following five themes of general public utility including:

- Constitutional Values and Democratic Institutions
- Growth with Employment
- Governance and Development
- Environment, Natural Resources and Sustainability
- India's Place in the World

Under the theme Constitutional Values and Democratic Institutions, the RGICS commissioned Mr Arnab Bose, a public policy graduate from the National Law School University of India, Bangalore, to undertake a detailed study of the status of the Right to Public Services Acts (by various names), which were enacted by various states. As of 2021, as many 21 states have some variant of these Acts.

The paper begins with a brief introduction to the background in which such Acts were conceived. The consciousness about trying to improve the quality and reliability of service delivery was first initiated by the Union Government in the late 1990s through the Citizens' Charter initiative. As many as 115 Citizen's Charters were promulgated by the Central Government Ministries/ Departments/ Organisations and 650 Charters by various agencies of State Governments were formulated by 2008. However, these did not produce much change and the dissatisfaction led to the Central Government deciding to adopt a model legislation in the form of the Right of Citizens for Time-bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011. Though this central bill was never enacted into law, it led to such Acts being adopted by several states, starting with the Madhya Pradesh Lok Sewaon ke

Pradan Ki Guarantee Adhiniyam, 2010. The paper discusses the details of the Acts in six different states and how they differ from each other in scope and spirit.

The paper also describes in detail, the National e-Governance Plan, which arguably has brought about a very significant enhancement in access to and quality of public services. Thereafter the paper focuses on the performance vis-à-vis the provisions and the bottlenecks faced in implementation. The paper ends with a number of suggestions for the way forward, mostly for the government but also for Civil Society organisations.

We hope the paper is found useful by policy makers, civil servants in charge of offering public services, as well as NGOs involved in the Right to Public Services.

Vijay Mahajan,
Director, Rajiv Gandhi Institute for Contemporary Studies (RGICS)



1

Introduction

Once synonymous with inefficiency, India's public service delivery system was put on the path of reform about a decade ago. Ironically, this new service delivery revolution was being spearheaded by a set of state governments without any push from the centre. The paradigm shift in service delivery was first initiated by the Union Government in the late 1990s through the citizens' charter initiative; though this move failed because of half measures, it led to tractions in the form of service guarantee legislations.

Led by Madhya Pradesh and followed suit by several states such as Bihar, Punjab and Delhi, the service guarantee Acts seek to make access to public services a matter of right, to prevent citizens being at the mercy of officials, as was the case for the past six decades. The idea is to mandate the number of days a government official has, to approve or reject an application for a public service, and then if that deadline is not met, or the application wrongly rejected, allow for an appeal. Upon appeal, the official can be ordered to provide the service and/or fined for not providing the service in a timely manner, or for wrongly rejecting an application. Thus, the Right to service Act can be defined as a legal instrument that binds the state to provide rights based service entitlements to its citizens. Moreover, they are an attempt to create a new ecosystem for citizen-state relationship. If managed well, the new system has the ability to change the nature and content of democracy as practiced in India.

This paper seeks to examine the Right to Public Service Acts in six Indian states. It begins by giving a background on the public service delivery environment in India. Thereafter, it reviews the key provisions of these acts, before evaluating their implementation and the key issues within the broader context of reforms needed for greater administrative accountability.

2

Public Service Delivery in India: Key Issues and Challenges

In India, the government has been omnipresent in the lives of its citizens, envisaged by the architects of the nation following its independence from British colonialism in 1947. With the aim of alleviating endemic poverty, free or heavily subsidised provision of basic and essential services has been the hallmark of public policy. However, there is broad consensus that the state has failed to effectively deliver public services to its citizens, particularly the poor. This is reflected starkly in the dismal performance of the country on almost all dimensions of human development¹.

Given the high levels of poverty and absence of a social security program, subsidised public provision of food grains through a public distribution system (PDS) has accounted for the largest share of public subsidies². However, leakages from the PDS are large and grains are often siphoned off to the open market³. Per capita consumption of the poorest households, therefore, continue to be amongst the lowest in the world and by some estimates, nutritional intakes have been declining for all income groups since the 1980s⁴. The second largest social protection program which provides the right to employment (National Rural Employment Guarantee Act) has similarly been beset with concerns about poor targeting and misappropriation⁵. Expenditure on the public provision of education by the state accounted for approximately 3% of the GDP in 2015-16⁶. Participation or enrolment in educational institutions has been steadily expanding in India since independence but acceptable levels of educational attainment by students have remained elusive. Findings from a nation-wide survey of rural primary schools showed that about half of students enrolled in grade 5 could not read texts meant for second-graders⁷. Poor learning outcomes are accompanied by high teacher absenteeism, high pupil to teacher ratios and poor school infrastructure.

1 Dreze, Jean and Amartya Sen. 2013. *An Uncertain Glory: India and its Contradictions*. Princeton University Press.

2 Ramaswami, Bharat. 2012. Public Distribution System pp. 567-571 in *The New Oxford Companion to Economics in India*, edited by K. Basu and A. Maertens, Oxford University Press, New Delhi, 2012.

3 Dreze, Jean and Reetika and Khara. 2015. "Understanding Leakages in the Public Distribution System," *Economic and Political Weekly*, Vol. 50, February.

4 Deaton, Angus and Jean Dreze. 2009. "Food and Nutrition in India: Facts and Interpretations." *Economic and Political Weekly*, February 14, 2009 vol XLIV No 7.

5 Niehaus, Paul and Sandip Sukhtankar. 2013. "Corruption Dynamics: The Golden Goose Effect." *American Economic Journal: Economic Policy*, Vol 5, No. 4, pp 230-69.

6 Economic Survey of India 2015-16

7 Pratham. 2014. 'Annual Survey of Education Report'

As in the case of education, the primary responsibility for providing health, drinking water and sanitation facilities in the country rests with the state governments, and the local bodies in the urban areas. Annual budgetary allocations for health, including water and sanitation, have increased but remained stagnant as a proportion of GDP at less than 1.5% of GDP⁸. This is reflected in low quality and in some cases absent public health services. Poor sanitation is another major public health concern with over half the population in India defecating in the open, both due to lack of public toilets, scarcity of piped water, and cultural norms which condone open defecation⁹. It has been observed that a 10 percent increase in open defecation is associated with a 0.7 percentage point increase in both stunting and severe stunting of children¹⁰. Not only is access and quality of public health services abysmal, in 2012 the poor had lower access to basic infrastructure, such as electricity (61% as opposed to 85% of non-poor), tap water (6% as opposed to 33% of non-poor) and around 30 percent of the country's population (about 300 million people) lacked access to all-weather roads¹¹. These low levels of human capital and inadequate access to basic infrastructure highlight the failure of governance in India in delivering public services.

Research has highlighted some key factors for the poor governance and inadequate public service provision in low income countries, in general, and in India, in particular. Corruption has often been cited as the primary cause of governance deficit. It is fairly well established that corruption is costly, both in terms of efficiency and equity in the provision of public services in developing countries¹². Transparency International's Corruption Perception Index indicates that the public sector in India has been consistently perceived to be more corrupt than other developing countries with comparable growth rates such as Brazil, China and South Africa, in the last decade.

While the literature on governance has primarily focused on politicians, there is emerging evidence on the poor management practices of unelected public officials such as bureaucrats, education and health service providers etc. in developing countries. Research suggests that civil servants often pursue their narrow self-interests which are not aligned with social interests¹³. Further, public officials in India receive a fixed salary and are not paid for performance, leading to low effort. This suggests that the preferences of the elected representatives and the service providers may not be aligned with those of the poor and vulnerable due to lack of incentives¹⁴. In addition, the public officials

8 Economic Survey of India 2015-16

9 Spears D, Ghosh A, Cumming O (2013) Correction: Open Defecation and Childhood Stunting in India: An Ecological Analysis of New Data from 112 Districts. PLoS ONE 8(9).

10 Ibid

11 <http://www.worldbank.org/en/news/infographic/2016/05/27/india-s-poverty-profile>

12 Olken, Benjamin and Rohini Pande, 2012. "Corruption in Developing Countries," Annual Review of Economics, Annual Reviews, vol. 4(1), pages 479-509, 07

13 Buchanan, James M. 1978. "Markets, States, and the Extent of Morals," The American Economic Review, Papers and Proceedings, 68 (2), pp. 364-368.

14 Muralidharan. Karthik and Venkatesh Sundararaman.2011. "Teacher Performance Pay: Experimental Evidence from India." Journal of Political Economy, Vol. 119, No. 1, pp. 39- 77.

enjoy limited autonomy and their postings, transfers and promotions are often linked to whether they satisfy the interests of their political masters¹⁵. Bribes, for delivering due services, are rampant and exacerbated due to red tape, citizens' poor knowledge of own entitlements and procedural norms.



Image Courtesy: <https://images.livemint.com/rf/image-920x613/LiveMint/Period2/2018/11/15/Photos/Processed/tangled-wires.jpg>

¹⁵ Iyer, Lakshmi and Anandi Mani. 2012. "Traveling Agents: Political Change and Bureaucratic Turnover in India." *Review of Economics and Statistics* 94(3): 723-739.

3

The Emergence of Right to Public Service Delivery Legislations

Since the 1990s, a paradigm shift has taken place in governance, both in the manner in which public services are being delivered to the citizens and the methods in which their grievances are being redressed. The new governance model, called the Citizen's Charter initiative, initially took root in advanced OECD countries, and put citizens at the heart of governance rather than the earlier bureaucracy-centric model of governance¹⁶. The Charter initiative was basically a written declaration by governments enlisting a set of commitments, standards of service delivery and redressal and remedial actions in case of non-compliance with the same. The governments in the West were responding largely to the growing disenchantment of the public with the inadequate quality of services being delivered by a non-responsive bureaucracy; besides, a number of governments in the early 1990s faced a severe resource crunch¹⁷.

The Citizen's Charter increasingly emphasised quality and time-bound delivery of services, transparency, accountability, timely redressal of grievances, consultation with citizens, value for money and, finally, enhancing citizen satisfaction¹⁸. It represented a landmark shift in how services were to be delivered¹⁹. Leading the pack was the John Major Government in 1991 which put out the first formal citizens' charter "to promote citizen orientation of administration by placing citizens at the heart of administration"²⁰. It was earlier pioneered as an extension of the New Public Management reforms initiated by the Thatcher government as a measure to reinforce democratic principles, and in every sense, it was a radical departure from the traditional top-down approach of the bureaucracy by building bridges between the government administration and citizens by placing the needs and interests of citizens at the heart of public service delivery²¹.

Following Britain's example, countries all over Europe, America, Asia and Africa such as Belgium, France, Canada, Australia, Malaysia, Spain, Portugal,

¹⁶ <https://www.historyandpolicy.org/policy-papers/papers/the-citizens-charter-towards-consumer-service-in-central-government>

¹⁷ The reform initiatives like 'The Efficiency Scrutinizer' in 1979, 'The Financial Management Initiative' in 1982 and 'The Next Step Programme' in 1988 formed the foundation of the Citizen's Charter experiment which was initiated by the Major Government in 1991. For details, see The House of Commons report, 2008, also IIPA Report 2008.

¹⁸ <http://siteresources.worldbank.org/publicsectorandgovernance/resources/indiacitizencharter.pdf>

¹⁹ Public Administration Select Committee, Twelfth Report of Session 2007-08, The House of Commons, UK.

²⁰ Ibid

²¹ Government of UK (1999): A guide to Quality Schemes for the Public sector, Cabinet Office, London.

India etc., brought out their version of citizens' charters²². In fact, a number of countries went several steps further by creating elaborate devolution mechanisms and legal entitlements guaranteeing public services to citizens²³. While there were variations across countries, within regions and even services, every country that adopted a citizens' charter initiative aimed to produce citizen centric public services that focused on improving quality of services, standards conformity, and the grievance redressal process.

In India the adoption of the Citizens' Charter was triggered by the economic reforms of 1990s which changed the role of the government from being a producer of public services to that of a facilitator and regulator. In 1997, the Government of India initiated a Chief Secretaries' Conference to formulate "An agenda for Effective and Responsive Administration" which recommended the adoption of Citizens' Charter in almost all government departments and agencies of the Centre and the States that were engaged in providing public services²⁴. The push for public service reforms came in the very next year, mooted by the then Prime Minister I K Gujral as part of the 'Action Plan for Effective and Responsive Government'. The three main areas which were addressed by action plan included making the administration accountable and citizen-friendly, ensuring transparency and right to information and taking measures to motivate civil servants to adhere to appropriate quality standards while delivering public services²⁵. It was then that a consensus evolved, and a decision was made to formulate the Citizen's Charter for sectors with big public networks (eg. Railways, Telecom, Posts, Public Distribution Systems)²⁶. The principles it charted out originally emphasized improving the quality of services, valuing taxpayer's money, setting out standards for delivery and a redressal mechanism if they weren't met, holding individuals and organisations accountable for the same and making rules/procedures and schemes more transparent for the citizens²⁷. In addition to this, it included 'expectations from the clients' and/or 'obligations of the users'²⁸. The rationale behind Citizen's Charter, as highlighted in the handbook elucidated its core vision²⁹:

As public services are funded by citizens, either directly or indirectly through taxes, they have the right to expect a particular quality of service that is responsive to their needs and is provided efficiently at a reasonable cost. The Citizen's Charter is a written, voluntary declaration by service providers about service standards, choice, accessibility,

22 Indian Institute of Public Administration Report (IIPA), 2008 "Citizen's Charters In India Formulation, Implementation And Evaluation". Delhi.

23 Ibid

24 https://darp.gov.in/sites/default/files/IIPA_Report_Citizen_Charter.pdf

25 https://darp.gov.in/sites/default/files/IIPA_Report_Citizen_Charter.pdf

26 Ibid

27 Ibid

28 Ibid

29 Department of Administrative Reforms and Public Grievances, "Rationale of a citizen's charter" in Citizen's Charter - A Handbook, Government of India, Page no.9.

nondiscrimination, transparency and accountability. It should be in accordance with the expectations of citizens. Therefore, it is a useful way of defining for the customers the nature of service provision and explicit standards of service delivery. A further rationale for the Charters is to help change the mindset of the public official from someone with power over the public to someone with the right sense of duty in spending the public money collected through taxes and in providing citizens with necessary services.

Thereafter, 115 Citizen's Charters by the Central Government Ministries/ Departments/ Organisations and 650 Charters by various agencies of State Governments were formulated by 2008³⁰.

By the end of the decade the Citizen's Charter initiative started facing some major roadblocks in implementation as it was not legally binding but voluntary in nature. A review done by a 2008 study of the Citizen's Charters conducted by Indian Institute of Public Administration found out that many charters were nonexistent or outdated and lacked precision on standards, commitments and mechanisms³¹. The study, after careful assessment of the charters concluded there was lack of organisational clarity and information, and the mechanism for processing of suggestions and systematic review was missing from 98 percent of the charters. It further highlighter almost 41% of the Charters under consideration did not indicate any timeframe for redress of public grievances. 61% of them did not indicate any timeframe for acknowledging the receipt of public grievances and nearly 43% of them did not have the timeframe for responding to the petitioners. None of the Charters reviewed specified whether a petitioner would be conveyed the reasons for rejection of his grievance. The survey concluded that charter-making got frozen in time as a one-time exercise since there was no monitoring, reviewing or upgradation after its formulation. Thus, the Citizens' Charter lacked the spirit with which it was created. It was not able to fulfil its purpose, couldn't ensure accountability and transparency in service delivery, rather acted as an unnecessary tool, an impediment in the way for effective delivery³². So, the demand for an effective alternative which could replace Charter started gaining prominence in public debates.

To address the weaknesses of the Citizen's Charter there were new initiatives taken up by the civil society, to mobilize, educate and have a better informed

³⁰ https://darpg.gov.in/sites/default/files/IIPA_Report_Citizen_Charter.pdf

³¹ Bannerji, A., and Jaya Chaturvedi, "Citizen's Charters in India: Formulation, Implementation and Evaluation", India Institute of Public Administration, October, 2008.

³² Public Affairs Centre. (2007). India's Citizens' Charter: A Decade of Experiences. Bengaluru, Karnataka, India: Public Affairs Centre.

citizenry. This also led to the emergence of the right to public service delivery legislations in the country. Madhya Pradesh became the first state in India to take the step forward in introducing rights based service entitlements to its citizens on August 18, 2010³³. The act was a major breakthrough in empowering citizens and ensuring that their interests could be secured. This also induced many other states to pass their own laws on Public service guarantees.



4

The Central Bill and the State Acts

4.1 The Right of Citizens for Time-bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011

The Grievances Bill, 2011, was introduced in the Lok Sabha in 2011 but it lapsed with the dissolution of the 15th Lok Sabha. The essence of the proposed law was that every public authority will be required to publish a citizens' charter that will set out the goods and services provided by it, along with timelines for their delivery. Some States had such legislation to guarantee to right to public services delivery, but the Central law sought to provide an overarching framework. The 2011 Bill had proposed the following provisions:

- i. **Mandatory to Publish the Citizen's Charter:** Earlier, formulating a charter was an activity which was voluntary. The Bill made it mandatory for every public authority to publish a Citizen's Charter within six months of commencement of the Bill and specify details and time limits with regards to goods and services it rendered as well as the names and designations of individuals who were in charge of delivering the same.
- ii. **Information and Facilitation Centre:** All public authorities from the Centre and the state to the district and sub-district levels, municipalities, and panchayats were required to establish information and facilitation centres. They could be in the form of customer care centres, call centres, help desks, people's support centres, or online portals.
- iii. **Grievance Redress Officer (GRO):** Every public authority was required to designate Grievance Redress Officers to look into and redress any complaints from citizens.

- iv. **Designated Authority (DA):** As per the bill any individual aggrieved by a decision or inaction of the concerned GRO could, within 30 days, appeal to a Designated Authority. The Designated Authority would be from outside the concerned public authority.
- v. **State and Central Public Grievance Redressal Commission:** The bill enabled any individual aggrieved by a decision or inaction of the concerned DA to file an appeal to the State/Centre Public Grievance Redressal Commission.
- vi. **Appeal to Lokpal/Lokayukta:** The Bill further provided that any person aggrieved by the decision of the Central Public Grievance Redressal Commission or the State Public Grievance Redressal Commission, could file an appeal to the Lok Pal or Lokayukta, constituted under the Lokpal and Lokayukta Act, 2011.
- vii. **Penalty and Compensation:** The Designated Authority, the State Public Grievance Redressal Commission and the Central Public Grievance Redressal Commission would have the power to impose a lump-sum penalty, on the errant officer which could extend up to fifty thousand rupees and would be recovered from his salary.

4.2 State Level Acts

During the last ten years, over twenty Indian states have passed public service guarantee acts. These Acts were all passed on the initiative of the State Governments, of varying political dispositions, with no push from the Central Government. All these Acts have a similar statutory structure. Intended to streamline service delivery, these laws provide a structure where designated authorities are to deliver certain public services within a specific time frame. Failing which, citizens can appeal to internal appellate authorities. There are also provisions for the imposition of penalties on erring officials.

i. Key Features of the State Level Acts³⁴

- **Right to obtain a service within a stipulated time limit:** These acts mention the time limit within which specified services have to be provided to citizens. The stipulated time shall begin

from the date when the officials receive the application. The designated officers either have to provide the service within the time or can reject the application with a valid reason which must be intimated to the applicant in writing.

- **Appeal:** Citizens who do not receive services within the specified time or whose applications are rejected are entitled to file an appeal with the first and the second appellate authority for redressal of grievance.
- **Penalty:** The act provides for imposing penalties on erring officers, who fail to comply with their duty and provide quality services on time. However, the provision of penalties varies from state to state, and may range from mild, to moderate to severe. This provision strengthens compliance with the Act.
- **Revisions:** The act allows for



- revisions in the decisions of the second appellate authority, in case the designated officers or the first appellate authorities are aggrieved by the decisions. They need to apply for a revision within a specified period of time and with proper justification with the officer nominated by the state government who shall consider the application according to set procedure.
- **Powers of the State Governments:** The state governments have the authority to make rules to carry out the provisions covered under the act. They can also issue orders consistent with the provisions under the act to remove any difficulties in the enforcement of act.

ii. Duties and Powers of Fundamental Functionaries³⁵

- **Designated Officer:** The DA has the duty of providing the requested services to citizens within the stipulated time. He/she also has the power to reject an application on valid

grounds which need to be intimated to the applicant in writing. Additionally, the DA can appeal to the first and second appellate authorities to revise their decisions of penalties against him by providing proper justification. If rejected, the DA can also appeal to the officials nominated by the state government to reconsider the decisions of the second appellate authority.

- **First Appellate Officer:** The first appellate authority exercises the powers of a civil court under the Code of Civil Procedure, 1908. He/she can order, direct and supervise the designated officers to provide the requested services within the stipulated time. The FAO also exercises the power of imposing penalties and take disciplinary action against designated officers in violation of the Act. The applicant needs to appeal to the FAO within 30 days from the date of rejection of the original application.
- **Second Appellate Authority:** The second appellate authority has to be appealed to within 60 days from the decision of the FAO. The SAO has similar powers to the FAO and can order designated officers to provide the service and can impose penalties and take disciplinary action against erring officers.

iii. Procedure for Obtaining Services under the Act³⁶

The citizen submits an application to the designated officer (D.O.) indicating the service which he/ she is desirous to avail. The applicant then receives a receipt issued by the officer against his application. The stipulated time within which the officer has to provide the service begins therewith (date mentioned on the receipt), when the application procedure is completed successfully. The time within which the service has to be provided is fixed, thus the applicant can appeal to the first and the second appellate authority if the officer fails to deliver service within specified time. In case the officer rejects the application within that time, he has to provide a valid reason for rejection and also intimate the applicant about the same. However, if the officer fails to deliver the services within time without a valid reason then there is an imposition of penalty as determined by the provisions under the act. The appellate authority can also be penalized if they fail to ensure timely redressal of appeals.



राजकीय माध्यमिक विद्यालय भोपाल

5

Some Additional Institutions and Models related to Public Service Delivery in India

5.1 Directorate of Public Grievances³⁷

In its stride to develop and reorient policy goals ensuring citizen-centric services, the Directorate of Public Grievances came up on 1 April 1988³⁸. Set up with the goal of looking into individual complaints lodged with four Central Government Departments, today the Directorate functions have expanded and now include grievances pertaining to 16 Central Government Organisations. It is the appellate body investigating grievances where the complainant failed to get redressed by the internal hierarchy of the organisation. It also has the power to call for files and officers to evaluate if justice is being delivered in a timely manner. Wherever not satisfied with the performance, it can make recommendations which are required to be adopted and implemented by the organisation within a period of 30 days. Between 1999 and 2014, 74 percent of the cases taken up by the Directorate were decided in favour of the complainant, with only 18 percent found to be ineligible³⁹.

5.2 Department of Administrative Reforms and Public Grievances (DARPG)⁴⁰

As the nodal agency that formulates and implements policies, Department of Administrative Reforms and Public Grievances has taken within its ambit the responsibility of establishing integrity and quality in public service, along with modernising it by reengineering and bringing out improvements in already existing processes. Its eight divisions have equipped the government machinery with a number of initiatives such as the Citizen's Charter initiative, Public Grievance Policy, Quality Management in Government, e-Governance, Review

³⁷ <https://dpg.gov.in/Home.aspx>

³⁸ <https://www.pgportal.gov.in/Home/RedressMechanism>

³⁹ Performance at a Glance, 1st April 1999 to 31st March 2014, Directorate of Public Grievances, 2014

⁴⁰ <https://darp.gov.in/public-grievances>

of Administrative Laws etc. Documentation and Dissemination of Best Practices, Organisation & Methods, Information & Facilitation Counters, and Civil Services Reforms are some of the areas under the ambit of the DARPG. It has a two-fold role as the formulator of policies and the watchdog of existing practices, monitoring and ensuring norms are being adhered to by all ministries and departments in terms of regulation and service delivery. The Department takes up about 1000 grievances every year depending upon the seriousness of the grievance and follows them regularly till their final disposal⁴¹. This enables the Department to evaluate the effectiveness of the grievance redress machinery of the concerned government agency.

5.3 Centralised Public Grievance Redress and Monitoring System (CPGRAMS)⁴²

In June 2007, the DARPG put in place a 24x7 online portal with the goal of linking various government ministries, departments and organizations⁴³. This web-enabled solution called the CPGRAMS, sought to streamline and integrate the whole process of grievance redressal. The CPGRAMS helps in filing, transferring, tracking and monitoring of complaints from both sides—the citizen, and the department-in-charge, from any place and at any time. Not only



does it help standardise and classify complaints, but is also prompt and flexible as it is capable of generating automated acknowledgements, receipt-cum-registration numbers and checking status of applications. The complaints are monitored by the nodal officer of the Ministry/Department and also by the Additional

Secretary of the DARPG. All grievances sent by post or submitted manually are also integrated into the system, thus creating an easy to operate single database.

41 <https://www.pgportal.gov.in/Home/RedressMechanism>

42 <https://pgportal.gov.in/>

43 <https://darp.gov.in/public-grievances>

5.4 The Sevottam Model⁴⁴

The Sevottam model meaning ‘Uttam Seva’ or excellence in service is designed as a quality management tool by DARPG in 2006⁴⁵. It is an assessment tool that sets a benchmark which is to be complied with, while enhancing customer satisfaction, monitoring performance or assessing efficient and continual improvements in service delivery. The model has the overarching objective of improving the quality of public service delivery in the country. It has three components, and in addition to this overarching objective, there are intermediate outcomes expected from the compliance of criteria designed for each of these three components. The Second Administrative Reforms Commission (ARC), 2005, in its 12th report titled, “Citizen Centric Administration: The Heart of Governance” endorsed the Sevottam model and recommended its full implementation in Union and State Governments⁴⁶.

The Sevottam model synthesises nine compliance criteria into the following three components⁴⁷:

- i. **Charter Effectiveness:** The first component of the model requires effective charter implementation thereby opening up a channel for receiving citizens’ inputs in a way in which organizations determine service delivery requirements. Citizens’ Charters as a document lays down a government’s commitments, and therefore, it is very important to conceive and carry out a charter which is in sync with the best practices from over the world. Once implemented, a regular feedback, continuous improvements, periodic reports and inspections need to be carried out to monitor and eliminate any differences between current and ideal practices. Review and revisions to comply with the dynamic environment to ensure a charter does not get outdated is a prescribed measure as per the Sevottam guidelines.
- ii. **Public Grievance Redressal:** The second component of the model requires a good grievance redress system operating in a manner that leaves the citizen more satisfied with how the organization responds to complaints/grievances, irrespective of the final decision. Any feedback in form of complaints calls for remedial

⁴⁴ https://darpg.gov.in/sites/default/files/Sevottam_Model.pdf

⁴⁵ <http://www.pibmumbai.gov.in/scripts/detail.asp?releaselid=E2010PR1626>

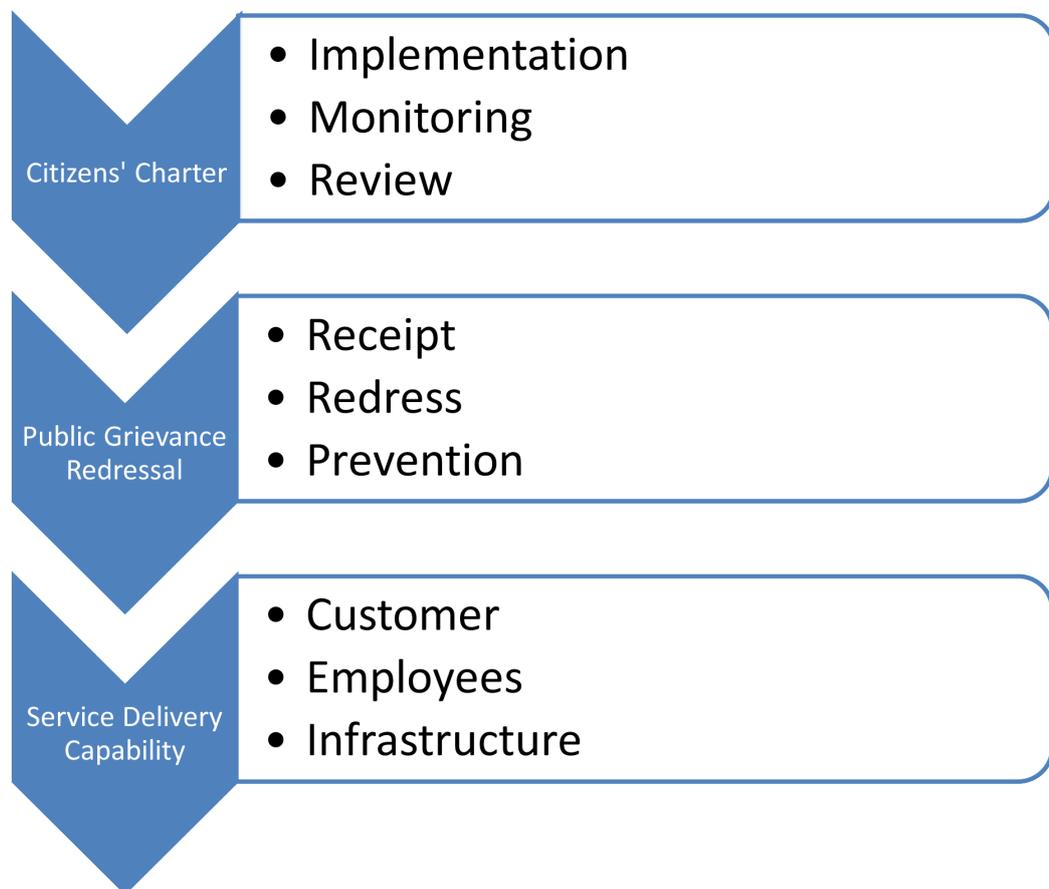
⁴⁶ <https://darpg.gov.in/sites/default/files/ccadmin12.pdf>

⁴⁷ https://darpg.gov.in/sites/default/files/Sevottam_Model.pdf

action. Therefore, it is important for organisations to provide for a machinery to receive, resolve and prevent complaints. Redressal mechanisms adhering to pre-determined time-norms enable the decision-making process and is recommended by the Sevottam model.

iii. **Service Delivery Capability:** The third component postulates that an organization can have excellent performance in service delivery only if it is managing the key ingredients for service delivery well, and building its own capacity to continuously improve delivery. Service delivery capability enhancement depends on infrastructure inputs as well as strategic planning, human resources and a willingness of a motivated staff to accept responsibility and a desire to progressively improve. The Sevottam guidelines make it as a necessity to enhance delivery capability by specifying satisfaction indicators for stakeholders. These are assessed by conducting surveys or consultations with the citizens who are the primary stakeholders.

Figure 1: Structure of the Sevottam Model



Source: https://darp.gov.in/sites/default/files/Sevottam_Model.pdf

5.5 E-Governance⁴⁸ - The National E-Governance Plan

E-Governance in India has steadily evolved from computerization of Government Departments to initiatives that focus on the finer points of Governance, such as citizen centricity, service delivery and transparency. In May 2006 the National e-Governance Plan (NeGP) was approved by the government comprising 27 Mission Mode Projects (MMPs) at the Central, State and Local levels⁴⁹. In 2008, the 11th report of the Second Administrative Reforms Commission recommended the necessity for further expanding e-Governance in India⁵⁰. Consequently, in 2011, 4 more projects including Health, Education, PDS and Posts were added to the list, and at the moment the NeGP consists of 31 MMPs⁵¹.

The NeGP takes a holistic view of e-Governance initiatives across the country, integrating them into a single collective vision. This flagship program formulated by Department of Electronics and Information Technology (DeitY) and Department of Administrative Reforms and Public Grievances (DARPG) aims at leveraging Information and Communication Technology (ICT) infrastructure to make services available via electronic media, hence creating a leaner and more cost-effective governance model. The ultimate objective is to bring public services closer to citizens, as articulated in its Vision Statement: “Make all Public Services accessible to the common man in his locality, through common service delivery outlets and ensure efficiency, transparency and reliability of such services at affordable costs to realise the basic needs of the common man.”⁵²

The three Core components of the NeGP framework are:

- i. **State Wide Area Networks (SWANs):** The Government of India had approved a scheme for establishing State Wide Area Networks (SWANs) across all states in the country in March 2005 with an initial outlay of Rs 3334 crores⁵³. A SWAN is a high bandwidth (2-34 mbps) intra-network of voice, video and data communication within a state⁵⁴. Its main purpose is to create a dedicated Closed User Group (CUG) network providing secure, high speed connectivity for Government functioning, and connecting the State Headquarters with the District Headquarters

48 <https://negp.gov.in/index.php>

49 <https://www.meity.gov.in/divisions/national-e-governance-plan>

50 https://darp.gov.in/sites/default/files/promoting_egov11.pdf

51 <https://www.meity.gov.in/divisions/national-e-governance-plan>

52 Ibid

53 <https://www.meity.gov.in/content/state-wide-area-network-swan>

54 Ibid

and Block Headquarters. SWANs help in data convergence by enabling connectivity, where various Points of Presence (PoPs) are horizontally connected within each district and block, and are vertically connected to the state administration. They are implemented either through the Public Private Partnership (PPP) Model or through the National Informatics Centre (NIC) which is the prime agency for its operation and maintenance⁵⁵. SWANs are the back end of the system. To ensure quality of service by the network operators, SWAN networks are regularly subjected to Third Party Audits. By 2015 SWANs had been made operational in 33 States and union territories in India (all states and UTs except Andaman and Nicobar Islands and Jammu and Kashmir)⁵⁶. The Andaman and Nicobar Islands' SWAN, connecting the State HQ with all 4 districts and 14 blocks, was launched in December 2018 and went live in January 2019⁵⁷. The 17th empowered committee of SWAN approved the Jammu and Kashmir SWAN in May 2020 with an outlay of Rs. 72.22 crores. The scope of the project is to connect the State HQ with 20 District HQs and 167 Block HQs⁵⁸.

- ii. **State Data Centres (SDCs):** SDCs are one of the most important elements of the core infrastructure for supporting e-Governance initiatives under the NeGP. It is a data repository that securely hosts consolidated data of various government functions (G2G, G2C and G2B) like online delivery of services, information portals etc⁵⁹. It consists of server infrastructure and each SDC after consolidating all the data delivers it to the WAN through ISO certified vendors. This is the delivery channel of the entire system. The department of Electronics and Information Technology (DeitY) has formulated Guidelines to provide Technical and Financial assistance to the States for setting up SDCs⁶⁰. These Guidelines also include the implementation options that can be exercised by the States. The SDC scheme was approved in January 2008 and initially INR 1623.20 crores was sanctioned for the first 5 years⁶¹. As per current data 31 states and UTs have SDCs⁶².
- iii. **Common Service Centres (CSCs):** CSCs are part of an ambitious scheme for establishing internet kiosks extending to the remotest parts of India. These kiosks are supposed to act as delivery points

55 <https://www.meity.gov.in/content/implementation-model>

56 <https://www.meity.gov.in/content/present-status>

57 <https://nagd.gov.in/sites/default/files/7%20Years%20Achievements%20of%20MeitY.pdf>

58, 61, 62 Ibid

59 <https://gil.gujarat.gov.in/pdf/State%20Data%20Centre.pdf>

60 <https://www.meity.gov.in/content/state-data-centre>

to enable e-governance reach a citizen's doorstep, providing last mile connectivity for various services such as health, agricultural services, banking, utilities etc⁶³. Thus, CSCs enable a bottom-up model of e-governance with a focus on the rural citizen, thereby contributing to a more digitally and financially inclusive society. The CSC works through a Public Private Partnership (PPP) model and consists of a three-tier structure with a village level entrepreneur at the bottom, a service centre agency in the middle, and the state at the top⁶⁴. This is the front end of the system. Over the years there has been a significant increase in the number of CSCs, and as per 2021 data, the number of CSCs stands at 3.99 lakhs with more than 38000 women village level entrepreneurs working in CSCs⁶⁵.

Revamping the public administration system in the manner that the e-governance model intends to is a highly complex process. It involves setting up of IT infrastructure, providing technical support, policy outlines, building capacity, skill development, research and development, as well as providing unique identification codes (UIDs) for citizens, businesses and property. Over the years, while e-governance in India has achieved considerable success, considering the ambitious nature of the task, there is still a long way to go.



63 <https://www.meity.gov.in/content/csc-scheme>

64 Ibid

65 <https://negd.gov.in/sites/default/files/7%20Years%20Achievements%20of%20MeitY.pdf>

6

Review of Right to Public Service Acts in Six States

Beginning with the Service Guarantee Act of Madhya Pradesh Government in 2010, more than 20 Indian states have enacted their version of public service guarantee legislation. As mentioned earlier, the Service Guarantee Acts brought out by the states largely acknowledge the collapse of the public service delivery system. By articulating citizen entitlements and creating internal checks and balances through effective grievance redressal mechanisms, they mark a significant departure from the earlier mode of governance that had little or no institutionalized process of making governance responsive or citizen friendly. This section attempts to review the PSDAs in the following 6 states: Madhya Pradesh, Bihar, Delhi, Maharashtra, Karnataka and Rajasthan.

6.1 Comparison of the Acts

i. Overview

Table 1: Title and Enactment Dates of the Acts

S. No.	State	Title	Date of Enactment
1.	Madhya Pradesh	Madhya Pradesh Lok Sewaon ke Pradan Ki Guarantee Adhinyam, 2010	18-Aug-10
2.	Bihar	Bihar Right to Public Services Act. 2011	15-Aug-11
3.	Delhi	Delhi (Right of Citizen to Time Bound Delivery of Services Act, 2011)	28-Apr-11
4.	Maharashtra	Maharashtra Right to Public Services Act, 2015	21-Aug-15
5.	Karnataka	The Karnataka (Right of Citizens to Time Bound Delivery of Services) Act, 2012 (SAKALA)	2-Apr-12
6.	Rajasthan	Rajasthan Public Service Guarantee Act. 2011	14-Nov-11

Source: State Websites

Madhya Pradesh was the first state to pass the Act on 18th August 2010. Following MP most of the other states passed the Act in 2011, with Maharashtra passing it in 2015.

ii. Key Provisions

Table 2: Comparison of Key Provisions

S. No.	State	Nodal Department	Penalty Amount	Number of Departments Covered	Number of Services Notified
1.	Madhya Pradesh	Public Service Management Department	Rs. 250 per day, maximum Rs. 5000	47	295
2.	Bihar	General Administration Department	Rs. 250 per day, maximum Rs. 5000	10	52
3.	Delhi	Information Technology Department	Rs. 10 per day, maximum Rs. 200 per application	38	415
4.	Maharashtra	General Administration Department	Rs. 500 per day, maximum Rs. 5000	37	389
5.	Karnataka	Department of Personnel & Administrative Reforms	Rs.20 per day, maximum Rs. 500	38	766
6.	Rajasthan	Administrative Reforms Department	Rs. 250 per day, maximum Rs. 5000	18	153

Source: State Websites

Penalties for the violation of the Acts are the highest in the states of Madhya Pradesh, Bihar, Maharashtra and Rajasthan, ranging from Rs. 250 to Rs. 5000. Delhi and Karnataka have a much lower penalty of Rs. 10 to Rs 200. There are basically two models being applied- the incentive model and the punishment model. Delhi and Karnataka focus more on incentives for positive performance whereas the other states focus more on penalties for disincentivising non compliance.

There is significant difference in number of departments covered and services notified under the various Acts. Karnataka has the highest number of notified services (766 services in 38 departments),

followed by Delhi (415 services in 38 departments) and Maharashtra (389 services in 37 departments). On the other hand Bihar has the lowest number of services covered, at 52 services in 10 departments.

iii. Timeline to Receive Basic Services

Table 3: Timeline to Receive Certain Basic Services under the Acts (Days)

S. No.	Services	Madhya Pradesh	Bihar	Delhi	Maharashtra	Karnataka	Rajasthan
1.	Issue of Domicile Certificate	7	21	14	15	7	5
2.	Issue of BPL Ration Card	30	60	45	15	15	7
3	Issue of Caste Certificate	30	60	14	17	21	5
4	Issue of Disability Certificate	15	21	7	7	21	21
5	Issue of Birth Certificate	15	10	7	10	7	7
6	Issue of Death Certificate	15	14	7	21	7	7
7	Issue of Income Certificate	3	21	14	15	21	7
8	Issue of Driving License	15	21	3	7	30	2

Source: State Websites

The above table depicts that time line for receiving domicile certificate is the lowest in Rajasthan at 5 days and the highest in Bihar at 21 days. The other states vary between 7 to 14 days. For BPL ration card the timeline varies from 7 days in Rajasthan to 60 days in Bihar. The issue of caste certificate also follows a similar pattern with Rajasthan being the lowest at 5 days and Bihar being the highest at 60 days. This suggests a huge variation in states for both BPL card and caste certificate. For disability certificate Delhi and Maharashtra are the lowest at 7 days and Bihar, Karnataka and Rajasthan are the highest at 21 days. Birth and death certificates

range from 7 to 21 days with Delhi, Karnataka and Rajasthan being the lowest and Madhya Pradesh and Maharashtra being the highest for birth and death certificate respectively. For income certificate MP is the lowest at 3 days and Bihar the highest at 21 days. The other states range from 7 to 15 days. The issue of driving license also has a huge variation and ranges from 2 to 30 days with Rajasthan being the lowest and Karnataka the highest. Thus, from the table it can be seen that Rajasthan has the shortest timeline for most of the services followed by Delhi, whereas public service delivery take the longest time in Bihar.

6.2 Review of the Acts

i. Madhya Pradesh

The Madhya Pradesh Public Service Guarantee Act enacted on August 18, 2010 was a bold initiative to give the state's citizens the 'Right to Service' in a timely manner. For the first time in the country, a government had made services as entitlements, giving citizens legal rights on issues of access to services and grievance redress. The Act currently covers 295 services across 47 departments under its ambit including key public services such as issuing caste, birth, marriage and domicile certificates, drinking water connections, ration cards, copies of land records, etc⁶⁶. The state also has 34 services being provided under the same day delivery system⁶⁷. The Act has a fixed timeframe for each service and if an official fails to perform the duties enshrined in the Act, he/she will have to pay a fine starting from Rs. 250 per day to a maximum of Rs.5000⁶⁸. There are various appeal processes in the Act for non-compliance of complaints/demands. What is more important is that the Act provides for compensation that may be paid to the complainant out of the penalties imposed on the defaulting officers. One of the notable features of the service guarantee Act is its emphasis on online or single window system of service delivery.

The government of Madhya Pradesh has opened 413 Lok Seva Kendras through Public Private Partnership (PPP) basis at the block levels offering end-to-end services from a single window through an online system that fixes and tracks accountability⁶⁹. Borrowing largely

⁶⁶ <https://nceg.gov.in/sites/default/files/End%20to%20end%20digital%20Service%20delivery%20&%20Grievance%20-B%20Chandrashekar.pdf>

⁶⁷ Ibid

⁶⁸ The Madhya Pradesh Lok Sewaon Ke Pradan Ki Guarantee Adhiniyam, 2010

⁶⁹ <https://nceg.gov.in/sites/default/files/End%20to%20end%20digital%20Service%20delivery%20&%20Grievance%20-B%20Chandrashekar.pdf>

from the PPP model of Kerala (Akshaya Jana Sevana Kendram)⁷⁰, the Lok Seva Kendras are run by private entrepreneurs with active involvement of the government department. The most noteworthy feature of the Act is that a separate Public Service Management Department (PSMD) has been established with the required financial and administrative support to oversee the effective implementation of the Act. Apart from bringing required coordination among district and block level officials to facilitate quick redressal of grievances related to services, the department has been tasked with training of officials, promotion of e-governance to help speed up the redressal process, among other initiatives.

As of 2019 data, under the PSGA 6.24 cr applications had been received and it had a disposal rate of 98.07 per cent. In addition 70.5 lakh applications had been received under 'same day service delivery' provision and 70.44 lakh (99.91%) had been disposed. Further, a total penalty of Rs. 45 lakh had been imposed by 2019⁷¹. In spite of the success, there are many problems and challenges that continue to overshadow the positive results. In many cases there is discrepancy in the information compiled, registers and display boards



are missing from many of the offices and still a significant proportion of the citizens are unaware of the general provisions of the Act. There

are also other issues, such as rigid attitudes of officials, lack of capacity, lack of availability of resources and poor quality of services delivered⁷².

⁷⁰ Akshaya Jana Sevana Kendram or Akshaya Common Service Centres are e-centres started by the Government of Kerala in 2005 to promote e-literacy work among citizens. But gradually, this was expanded to include services like distant education, empowering of women self-help groups, supporting local governments, Aadhaar (UID) enrolment, delivering birth-death certificates, registering lakhs of people for health insurance programme, etc. These centres work as single window for Chief Minister's grievance redressal forum and mass contact programmes. These centres are currently run by private sector players with active state support

⁷¹ <https://nceg.gov.in/sites/default/files/End%20to%20end%20digital%20Service%20delivery%20&%20Grievance%20-B%20Chandrashekhara.pdf>

⁷² Ibid

ii. Bihar

Following the example of Madhya Pradesh, Bihar has enacted its own service guarantee legislation. The Bihar Right to Public Services Act, 2011 (BRTPS Act) intends to address some of the key public service delivery bottlenecks experienced in some of the critical public services. These include General Administration Department, departments for Commercial Tax, Transport, Home, Social Welfare, Human Resources, Food and Consumer, Urban Development, Revenue and Land Reforms and Registration⁷³. Apart from having basic provisions on timeframe, different appellate forum for grievances and penalty provisions for non-compliance, the BRTPS Act is marginally better than the MP Act because of its added emphasis on the use of Information and Communications Technology tools and infrastructure⁷⁴. The BRTPS Act has enhanced service delivery and the redressal process through the use of ICT tools and infrastructure. In addition to these tools, the legislation has also led to the recruitment of field-level IT Managers in all districts of Bihar, IT Assistants in all blocks of the state and Executive Assistants for managing the IT systems at different levels of administration. Further, in every district headquarter a 'May I Help You' Booth has been set up to provide information on the BRTPS Act and its implementation and training has been given to nodal officers on the provisions of the BRTPS Act⁷⁵. The Government of Bihar has also implemented a single window service provision on the lines of the Lok Seva Kendras in Madhya Pradesh⁷⁶. The reports from the ground suggest the Act has shown a positive result with regard to service delivery and grievances redressal. Having embedded strong ICT tools in the system the law has made it simpler and more accessible for citizens to apply for services and file their grievances. As per current government data, a total of around 1.89 cr applications have received under RTPS and around 1.65 cr have been disposed off with a disposal rate of 87 per cent⁷⁷.

Notwithstanding plenty of promises and successes, the implementation of the legislation has been fraught with several challenges. The biggest impediment in the smooth functioning of the BRPTS Act is its limited reach at the local or block level⁷⁸. Further,

⁷³ <http://gad.bih.nic.in/Acts/BRTPSAct2011.pdf>

⁷⁴ These ICT tools include a) Adhikar- a software for monitoring delivery of services and issue of acknowledgment slips; b) an Interactive Voice Response System called Samadhanwherein citizens will be able to call a helpline and get clarifications about their entitlements and service covered under the Act, procedure for filing applications, track application status and connect to Public Grievance Officers; c) online applications and online delivery of services

⁷⁵ Citizens' Right to Public Service: Documentation Of Best Practice, report by the OneWorld Foundation, September 2011.

⁷⁶ Ibid

⁷⁷ <http://swcs.bihar.gov.in/RtpsReportView/>

⁷⁸ http://indiagovernance.gov.in/files/innovation_in_public_grievance_redressal_system_in.swf.

there has been tremendous pressure on frontline officials due to lack of needed capacity among the delivery institutions. Furthermore, deficient infrastructure, shortage of revenue, incomplete applications and overcrowding of application submission counters are some of the other challenges facing the implementation of the BRTPS Act⁷⁹.

iii. Delhi

Following the MP and Bihar examples, the Government of Delhi brought out The Delhi Right of Citizen to Time Bound Delivery of Services Act on September 15, 2011. So far, around 415 services in 38 departments have been brought under the purview of the Act⁸⁰. While many of its core features resemble those of MP and Bihar, the Delhi Act is a vastly improved version especially with regard



to its provision on electronic mode of routing the complaint and redressal process. For instance, under the Delhi Act, a citizen can file applications online to get the services which are being provided under the electronic Service Level Agreement (e-SLA), an online monitoring system. Delhi's online monitoring system captures the submission of service applications and their disposal electronically through a central software in which various departments' data is integrated and linked to the central software, which can then be used to generate reports and evaluations that assist higher authorities in overseeing and monitoring the performance of their departments

⁷⁹ Ibid

⁸⁰ <https://edistrict.delhigovt.nic.in/in/en/Public/Services.html>

and track any sort of delay⁸¹. At present the e-SLA system monitors 294 services of 37 departments⁸². The e-SLA monitoring system is an excellent example of leveraging ICT tools for supporting and strengthening governance processes and monitoring mechanisms and most Indian states can learn and adapt from Delhi's experience to develop an ICT service delivery monitoring infrastructure of their own. In a year, around 454,187 applications were been received by all departments in Delhi out of which 424,631 applications had been disposed off with a disposal rate of 93.5 per cent⁸³. A major variation in the Delhi Act as compared to the other states is the low penalty provision on officials for non-compliance. As per provisions of the Act, officials are liable to pay financial penalty of Rs 10 per day up to a maximum of Rs 200 for failure to comply with the Act⁸⁴.

iv. Maharashtra

The Maharashtra State Right to Service Act, 2015 is one of the latest public service delivery legislations which came into force on 21st August 2015. It provides effective, time-bound delivery of services, redress of grievances, and makes government servants liable in case of default. Through the Act, the government servants are made answerable in terms of their functions, duties, commitments and obligations towards the people. The Act underlines the duties of a designated officer, who on receipt of an application for a service either needs to provide it or reject the application within the prescribed time limit, counted from the day the application is received. In case of rejection, the officer needs to provide a written justification. The designated officer is liable to pay a fine ranging from Rs. 500 to Rs. 5,000 in case of breach of terms of the Act⁸⁵. The Act also lays down procedures for filing appeals and the method of handling appeals by the first and second appellate authorities. The two appellate authorities have the powers of civil court in matters requiring production and inspection of documents as well as issuing summons for hearing the designated officer and the appellant.

The 'Aaple Sarkar' Web Portal has been designed to provide information about the RTS Act to the citizens. According to the RTS Rules, every public authority is required to display the list of public services to be rendered by it, the stipulated time limit, names of

81 <http://indiagovernance.gov.in/bestpractices.php?id=1240>

82 <http://esla.delhi.gov.in/Default.aspx>

83 http://www.undp.org.in/sites/default/files/reports_publication/undp_bhopal_consultation_report_withannex_lg.pdf.

84 The Delhi (Right Of Citizen To Time Bound Delivery of Services) Act, 2011, Section 7.

85 <https://lj.maharashtra.gov.in/Site/Upload/Acts/The%20Maharashtra%20right%20to%20public%20services%20actn,%202015.pdf>

Designated Officers, First Appellate Authorities and Second Appellate Authorities, Form or fee if any, on the notice-board of its office and the web portal. The rules further require a systematic maintenance of register of cases by all Appellate Authorities and officers.

At present the Act covers 389 services from 37 departments⁸⁶. Besides, government departments there are 30,800 centres in in the state and a mobile app through which online services can be availed⁸⁷. Over the years the total number of public service applications received as of august 2021 is around 10.34 cr with 9.9 cr applications having been disposed off⁸⁸. The disposal rate is at 95.78 per cent. Further, as per the data given on the website a total of 72 per cent of the services were delivered within the stipulated time⁸⁹.

In spite of the early successes there are many issues that need to be resolved. Many among over 100 departments are yet to register their services under the act, which is mandatory⁹⁰. Further, technical issues of poor connectivity, poor server speed and problems uploading documents have also not entirely been removed⁹¹.

v. Karnataka

The Government of Karnataka launched the Karnataka Guarantee of Services to Citizens Act, 2011 under the Sakala model on 2 April 2012. During its initial few years this initiative received recognition in the form of a Google Innovator Award, a National e-Governance Award, and the D L Shah Award from the Quality Council of India⁹².

The provisions of this model besides guaranteeing time bound services and compensating at INR 20 per day upto INR 500 per application, requires a mandatory display of whom to contact and the procedure to follow on display boards⁹³. Further it also mandates a computerised acknowledgement number, display of online application status and SMS alerts for the same. The initiative had also come up with an Android App, the link to download which is easily available on the website's homepage, thus making good governance more accessible.

At present there are 766 services being offered under the Act from 38 departments⁹⁴. The total applications that have been received by august 2021 is around 6.81 cr with 6.71 cr already disposed off and

86 https://aaplesarkar.mahaonline.gov.in/en/CommonForm/DashBoard_Count
 87 <https://timesofindia.indiatimes.com/city/pune/4-years-later-36-depts-covered-under-right-to-services-act/articleshow/72553829.cms>
 88 https://aaplesarkar.mahaonline.gov.in/en/CommonForm/DashBoard_Count
 89 Ibid
 90 <https://timesofindia.indiatimes.com/city/pune/4-years-later-36-depts-covered-under-right-to->

[services-act/articleshow/72553829.cms](https://aaplesarkar.mahaonline.gov.in/en/CommonForm/DashBoard_Count)
 91 Ibid
 92 <http://www.sakala.gov.in/csr/about.html>
 93 The Karnataka (Right of Citizens to Time Bound Delivery of Services) Act, 2012
 94 http://sakala.kar.nic.in/gsc_rpt/gsc_Reports/CumulativeReport.aspx

the total pending cases post due date is around 84000⁹⁵. Thus, the disposal rate is at a high 98.5 per cent.

The Karnataka Act with an objective of making procedures less cumbersome, has done away with affidavits in general and domicile certificates specifically for housing, and accepts self-declarations⁹⁶. It has made provisions to obtain suo-moto birth certificates at government hospitals and reduced passport verification time from 90 to 20 days. The Sakala software, designed by expert IT professionals, auto generates a GSC (Guarantee of Service for Citizen) acknowledgement number⁹⁷. This is a unique 15 digit number which is used to prioritise requests as Appeal 1 and Appeal 2, and is also used by citizens to track status of their request. Presence of a mobile interface and SMS facility along with a call centre number has enabled the model to be functional in each corner of the state.

vi. Rajasthan

The Government of Rajasthan passed The Public Services Guarantee Act 2011 on November 14, 2011 to provide time-bound disposal of public services. The initial Act covered as many as 108 public services related to 15 key departments of the state government⁹⁸. This included services pertaining to departments of Police, Finance, Energy, Medical, Traffic, Public Health Engineering, Food, Housing, Water Resources and Social Justice amongst others.



95 Ibid

96 <https://bengaluru.citizenmatters.in/running-around-for-affidavits-to-end-self-declaration-to-take-off-soon-bengaluru-6548>

97 https://static.abhibus.com/ks/pdf/SAKALA%20USER%20MANUAL_ENG.pdf

98 <https://www.rajras.in/rajasthan-guaranteed-delivery-public-services-act/>.

The officers who fail to deliver services within the prescribed timeframe are liable to be punished under the Act. Similar to legislations in other states, the Rajasthan Service Guarantee Act imposes a cash penalty ranging from Rs 500 to Rs 5,000 in case of non-compliance⁹⁹. The appellate officer also has the authority to impose a penalty of Rs 250 per day (not exceeding Rs. 5000) in case of undue delay. The Act primarily aims at bringing transparency accountability in administration. The department of Administrative reforms and coordination is the nodal agency responsible for the implementation of the Act.

At present the Act covers 153 services from 18 departments¹⁰⁰. The 2017 CAG reported noted that by that time only 70 cases had been registered under the first appellate authority and only 2 under the second appellate authority which clearly highlighted a lack of effort in creating awareness amongst citizens about the provisions of the Act¹⁰¹. The CAG report also noted that the online monitoring system under the Act had been discontinued since June 2014 and there was no effective monitoring system to ensure effective implementation of the Act.

In conjunction with public service guarantee act, Rajasthan had also passed the Right to Hearing Act in 2012 to further strengthen transparency and accountability in administration¹⁰². Furthermore, in 2019 the Rajasthan government had launched the 'Jan Soochna' public information portal to provide information about government authorities and departments suo motu to the public in the spirit of the Right to Information Act¹⁰³. The 'Rajasthan Sampark' portal has also playing an important role in addressing people's grievances and resolving their issues in public service delivery¹⁰⁴.

99 Rajasthan Public Service Guarantee Act, 2011.

100 <https://www.rajas.in/rajasthan-guaranteed-delivery-public-services-act/>

101 https://cag.gov.in/uploads/download_audit_report/2017/Chapter_3_Compliance_Audit_Observations_of_Report_No4_of_2017_-_Public_Sector_Undertakings_Government_of_Rajasthan.pdf

102 <https://www.latestlaws.com/wp-content/uploads/2015/07/Rajasthan-Right-to-Hearing-Act-2012.pdf>

103 <https://www.thehindu.com/news/national/other-states/rajasthan-takes-major-initiative-to-strengthen-right-to-hearing/article33602610.ece>

104 Ibid



7

Policy Issues and the Way Forward

i. Key Issues

While service guarantee legislations contain many enabling provisions and innovative mechanisms to address service delivery issues, these are not without serious bottlenecks and handicaps. Some of the major bottlenecks are as follows:

- Most of the state legislations do not have any provisions for publishing citizens' charters and making information available in the open. This coupled with low levels of literacy has led to lack of awareness amongst citizens. Further, there is also a lack of maintenance of records under the state legislations as is provided in the Right to Information Act, 2005.
- Infrastructure bottlenecks are the biggest challenge in the success of such models. In rural areas there are a lack internet facilities as well as poor power supply. Similarly, towns have irregular connectivity making the success of such models sporadic. Lack of infrastructure and poor power supply remain key bottlenecks in the realization of the promises made in the Acts.
- The legislations have ignored a very important aspect of citizens' welfare that is implicit in the provision of public services. While there is a focus on timely delivery of services, there are no provisions that enforce quality standards.
- There is a shortage of manpower and financial resources. Adequate incentives to motivate government officials such as promotions, rewards, performance assessments are yet to receive due weightage in various states. Further, some states continue to face absenteeism amongst public officials as well as apathy from the bureaucracy.

- Leveraging technology to deliver public services requires a highly skilled manpower. A lack of technology- trained public officials continue to hinder implementation.
- E-governance models of public service delivery leads to the generation of a lot of sensitive data. In this context the absence of data protection laws and existence of draconian ones poses a great threat. The status of cyber security in India is low and vulnerable to data theft and cyber attacks. Additionally, inadequate data backup mechanisms and proneness to disasters like fire, floods etc. without a recovery plan can lead to permanent loss of database, leading to the collapse of whole system. A lack of e-waste management facilities is also a concern for sustainability.

To sum up, while the passing of the service guarantee Acts is itself a huge achievement, these Acts can be seen only as the initial step rather than substantive reforms. Notwithstanding plenty of positive trends some states still have to show real commitment on several fronts in this crucial governance area.

ii. The Way Forward

- Given the country's low literacy rates and high population, more often than not, the knowledge about existence of a mechanism governing their welfare does not reach them, or when it does, is not comprehensible or complete. Hence, a bottom-up perspective of information dissemination starting from the remote, unreachable areas, should be put into practice. For this, a number of steps could be taken including awareness generation and educational programmes which involve communities, for eg. Street plays, distribution of pamphlets in local languages, publications in regional languages, organisation of workshops/seminars etc. and appropriate budget needs to be allocated at national and state levels for these campaigns. Further, display of information and availability of help desks in all departments of various organisations needs to be done without fail. Maintenance of records has an important bearing on the provision of services and the same should be accounted for in any public service delivery mechanism.
- Scaling up rural infrastructure in the long term while challenging is absolutely essential for the long term success of public service delivery in the country.

- In the realm of service delivery adhering to a benchmark or standards must be imperative. An appropriate framework of evaluation of services according to prescribed standards needs to be brought in as a policy initiative. To this effect, the “Sevottam” model of service delivery should be integrated into the functioning of each department and be made a mandatory stipulation.
- As is evident from state level experiences, in the absence of adequate resources and manpower (including capacity) commitments, very little can be achieved. Therefore, it is imperative that the states commit themselves to address capacity of service providers by strengthening human resources, financial resources and infrastructural support. Resource commitments have to be made to ensure that delivery of services is not hampered due to difficulties faced by the service providers. Further, the performance of officials must be monitored and evaluated constantly and, importantly, a reward or incentive structure should be provided for the best performers. This will also help in reducing problems such as absenteeism.
- Intensive training programs and workshops for skill development of officials needs to be regularized. It is extremely crucial to train public officials in the functioning of information and technology tools and equip them with functional skills to successfully manage service delivery mechanisms. Training must also be imparted to regulate the conduct of public officials and make them more citizen-friendly. Budget allocations for training people in technical skills, customer service skills, change management etc. is essential.
- Data privacy and security is extremely crucial for the long term success of e-governance in India. Data protection measures using appropriate technology and proper legal instruments can help prevent both cyber attacks as well as the misuse of data and needs to be prioritised. Further, data backup measures and plans for e-waste management should also be part of the larger policy.



8

Conclusion

While the procedural aspect of democracy has taken strong roots in India through periodic elections and enthusiastic participation of citizens, the substantive part of democracy which includes governance and public service delivery, has received little or no attention. However, due to the interplay of a number of factors and the rise of good governance ideals in the last decade, India's service delivery mechanism is witnessing a promising change. The paradigm shift which began gathering pace during the citizens' charter initiative in the 1990s has taken shape in the form of service guarantee Acts being passed by a number of Indian states. The numerous governance reforms that have been initiated in the last decade have shown plenty of promise for eliminating key public service delivery woes. However, at present there are some key issues that remain to be tackled. The state initiatives in the form of service guarantee Acts have helped in creating an ecosystem of good governance which if managed well could possibly change the nature of service delivery in India. In the last decade the states have led the way and taken the first step, now it is important for the Centre to catch up and take this forward.



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